IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.23343 of 2007
SUBASH YADAV
Versus
STATE OF BIHAR

For the petitioner; Mrs. Anjana Prakash, Sr.Advocate and
Shivendra Kumar, Advocate,
For the State; Mr.Gopesh Kumar, A.P.P.

6 7.11.2008 This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 30.1.2002 passed by the Additional Chief Judicial Magistrate, Hilsa (Nalanda) in Chandi P.S.Case No. 183 of 2001 thereby cognizance under Sections 364(A) and 120B of the Indian Penal Code has been taken against the petitioner and others.

Heard learned counsel for the petitioner and the State.

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This is a case of kidnapping of a minor boy. The petitioner is neither named in the first information report nor by the victim. However, the police after investigation found the complicity of this petitioner in the alleged crime and accordingly submitted charge-sheet.

It is submitted by the learned counsel for the petitioner that this petitioner is co-villager of the informant but he is not named in the first information report and even the victim has not named this petitioner. The police without any cogent material has submitted charge-sheet against this petitioner also.

Considered the submission of learned counsel for the petitioner. Perused the entire case diary. On perusal of paragraphs 89 and 134 of the case diary it appears that kidnapping was done at the

instance of this petitioner due to political rivalry. The materials available in the case diary are sufficient for taking cognizance.

This application is accordingly dismissed with liberty to the petitioner to raise all points at the time of framing charge.

B.Jha **(Ghanshyam Prasad)**

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